



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

MMCZ/1003

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/295,637	04/20/99	010	WIGGINS, J	2856 10/03/00
First Named Applicant	HENDERSON, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION ROBUST TRANSDUCER FOR VISCOELASTIC MEASUREMENT

ATTYS DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3 428	073-054.260	T32	UTILITY	YES	\$620.00	01/03/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/295,637 04/20/99 HENDERSON

MMC2/1003

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED 10/03/00

10/03/00

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable; PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to Amendment B received 09/07/2000.
☒ The allowed claim(s) is/are 1-4 and 7-12

☐ The drawings filed on _____ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☒ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☒ Applicant MUST submit NEW FORMAL DRAWINGS.

☐ because the originally filed drawings were declared by applicant to be informal.

☒ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. 06.

☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☒ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

☒ Examiner's Statement of Reasons for Allowance

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Part III DETAILED ACTION

Part III EXAMINER'S AMENDMENT / REASONS FOR ALLOWANCE

Drawings

1. *This application has been filed with informal drawings acceptable for examination purposes only, which drawings have been judged acceptable on their technical merit by the Examiner, but not found to meet acceptable quality standards by the US PTO draftsman in a Patent Drawing Review done 05/20/1999. A new set of Formal drawings will be required now that the application is allowed.*

2. Applicant's arguments filed September 07, 2000 have been fully considered and they were deemed to be quite persuasive in regards to claim 1 per the issue of whether the Fitzgerald, J. et al., Smith, N. et al., Williams, J. et al. and Husar, D. references can be considered to fairly teach provision of a viscoelastic analyzer transducer having a mechanical probe member immersed in a **fluid or gel** [the probe member being driven to impart a desired oscillatory motion], where **stop means for restricting the probe motion during both periods of operation and inoperation [of viscoelastic analyzer]** in the direction of the

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desired motion, and *for restricting probe motion in any direction except the direction of the desired oscillating motion [thus protecting the probe member from damage due to excessive displacement]*.

3. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

4. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Attorney William E. Hein on September 29, 2000.

5. The application has been amended as follows:

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On Page 03, claim 07, line 02 of Amendment B dated 09/07/2000;
after the word "member" has been inserted the following phrase:

--- having an oscillation axis ---

On Page 03, claim 07, line 02 of Amendment B dated 09/07/2000;
before the word "fluid" has been inserted the following phrase:

--- viscoelastic ---

On Page 03, claim 07, line 05 of Amendment B dated 09/07/2000;
before the words "stop means" has been inserted the following
phrase:

--- mechanical ---

On Page 03, claim 07, line 05 of Amendment B dated 09/07/2000;
after the words "stop means for" has been inserted the following
phrase:

--- preventing damage to and ---

On Page 03, claim 07, line 07 of Amendment B dated 09/07/2000;
after the word "motion" has been inserted the following phrase:

--- , while also limiting the range of said desired motion along
the axis of said probe member ---

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Allowable Subject Matter

6. Claims 1-4 and 7-12 are allowable over the prior art of record.

7. The following is an Examiner's statement of reasons for allowance: The prior art fails to disclose a system or apparatus for measuring viscoelastic characteristics of a **viscoelastic fluid or gel**; where such viscoelastic analyzer comprises a transducer with mechanical probe member immersed in a fluid or gel [the probe member having an oscillation axis while being driven to impart a desired oscillatory motion], where **stop means for limiting the probe member deflection during both periods of operation and inoperation** [of same viscoelastic analyzer] **in the direction of the desired oscillating motion**, while also restricting the range of desired motion along the axis of such probe member [thus protecting the probe member from damage due to excessive displacement].

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to J. David Wiggins whose telephone number is (703) 305-4884. The Examiner can normally be reached on Monday to Friday from 9AM to 7PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Hezron E. Williams, can be reached on (703) 305-4705. The fax phone number for this Group is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4900.


Hezron Williams
Supervisory Patent Examiner
Technology Center 2800

JDW
WIGGINS\jdw:
September 29, 2000